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Attorney Docket No. BRY-002.01

JUN 01 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Montano et al.

Application No: 10/719,644

Filed: November 21, 2003

For: LACROSSE-STICK HEADS

Art Unit: 3711

Confirmation No.: 1261

Examiner: Not yet assigned

OFFICIAL

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing document is being transmitted by facsimile to the United States Patent Office, facsimile number: 703-872-9306.

May 28, 2004
Date


Lori Simoglou

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO NOTICE OF INCOMPLETE REPLY

This responds to the May 12, 2004, Notice of Incomplete Reply, which indicated that the March 9, 2004, Notice to File Missing Parts did not include the \$65 surcharge for a late oath or declaration.

Applicants request that the Office withdraw that Notice, since Applicants did in fact pay the surcharge. The accompanying copy of the Fee Transmittal form that Applicants filed shows that the Director was authorized to charge a total of \$513 (\$385 for utility filing fees, \$63 in extra-claim fees, and \$65 surcharge for the late oath or declaration) to Deposit Account No. 06-1448, Reference: BRY-002.01. The Fee

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Transmittal, as well as the rest of the Reply to the Notice to File Missing Parts, was sent via facsimile to the Office on May 3, 2004, i.e., in advance of the May 9, 2004, deadline for replying to the Notice to File Missing Parts.

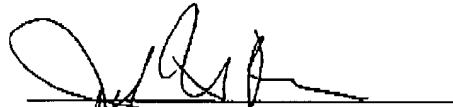
That the Office received that fee transmittal is evidenced by the accompanying copy of the deposit account statement for Deposit Account No. 06-1448. That statement indicates that on May 4, 2004, the Director charged a total of \$448 (\$385 for utility filing fees and \$63 for extra-claim fees) from that deposit account in relation to the above-identified application. So the absence of a debit charge from that deposit account for the surcharge was apparently an Office error.

Accordingly, please charge the outstanding \$65 to **Deposit Account No. 06-1448, Reference: BRY-002.01**. Since the failure to debit that deposit account for that surcharge resulted from an error on the part of the Office, Applicants believe that a one-month extension fee is not required. If that additional extension of time is nonetheless necessary, Applicants hereby petition for it under 37 C.F.R. §1.136(a).

The Commissioner is hereby authorized to credit any overpayment or charge any deficiencies to Deposit Account Number **06-1448, Reference BRY-002.01**.

Respectfully submitted,

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